POLICY 315	BODY WORN CAMERA POLICY (Pilot Program)	
	NEW:	RELATED POLICIES: **105.0**
	CFA STANDARDS: 17.13	REVIEWED:

A. PURPOSE

The purpose of this policy is to provide Department personnel participating in the Body Worn Camera Pilot Program with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by body worn camera systems. The use of body worn cameras may increase the ability of participants to effectively enforce the law, obtain evidence for criminal prosecutions, protect participants from false allegations of misconduct, document interactions with the public, and increase Departmental transparency and improve conduct by all parties during police/public interactions.

Definitions:

1. Recorded Media: Refers to any media upon which any audio and/or visual signals are recorded.

2. Body Worn Camera (BWC): A recording system that captures audio and video that is individually worn by assigned participants and includes, at a minimum, a camera and recorder.

3. Mobile Video System Administrator (MVSA): Department member with full administrator rights who assigns and tracks BWC equipment, controls passwords, acts as a liaison with equipment vendor representatives, manages the Department's BWC devices, and is responsible for overseeing the retention and dissemination of body worn camera media.

B. POLICY

The BWC Pilot Program will last one (1) year from the date of deployment.

The pilot program will consist of 35 or less participants at any given time, with 27 or less in the Patrol Division. The participants will be selected by the Chief of Police from a list of volunteers which will be maintained by the MVSA.

Employees participating in the BWC Pilot Program shall adhere to the operational objectives outlined in this policy to maximize the effectiveness of the BWC and the integrity of the video and audio evidence.

BWC systems are not a substitute for the participants' reasonable beliefs and perceptions, and cannot account for the participants' physiological responses during critical incidents, such as

visual tunneling and auditory exclusion. BWC recording systems should not be viewed as the sole measure of truth or as the totality of the circumstances, because such systems and their inherent limitations only capture video and audio evidence from the participants' physical position on the scene and not necessarily from the participants' overall perspective.

During this pilot program any unintentional failure to adhere to this policy will only result in appropriate training, not discipline.

All participants will be indemnified and held harmless by the City of Fort Lauderdale for any civil liability resulting from the use of the BWC, in accordance with Section 2-42, Code of Ordinances of the City of Fort Lauderdale.

C. PROGRAM OBJECTIVES

The Fort Lauderdale Police Department BWC Pilot Program will attempt to accomplish the following objectives:

1. Improve citizen interactions with Department employees
2. Capture statements, actions and evidence during the course of an incident
3. Enhance the participants' ability to accurately document an incident for reporting purposes and for courtroom presentation
4. Provide an additional measurement for self-critique to ensure employee professionalism
5. Reduce unreasonable or false complaints against Department employees
6. Enhance the participants' safety

D. GENERAL PROCEDURES

Participant Responsibilities for BWC:

1. Pilot program participants shall use BWC's while working regular-duty and City overtime assignments.
2. BWC placement on the participant shall be in accordance with the BWC system's manufacturer's instructions.
3. General maintenance of the BWC shall be the responsibility of the assigned participant. The equipment shall be operated in accordance with this policy, the manufacturer's recommended guidelines and in compliance with training.
4. At the beginning of each shift the assigned participant shall perform an inspection to ensure that the BWC is functional and fully charged.
5. Malfunctions, damage, loss, or theft of the BWC must be immediately reported to

the participant's supervisor. A police report shall be completed any time a BWC is damaged, lost or stolen.

6. Replacement BWC equipment will be obtained from the MVSA during normal business hours. During non-business hours a supervisor shall issue a replacement BWC from Police Supply. An email shall be sent to the MVSA documenting the serial number, participant's name and the timeframe during which the replacement camera was used.

7. The configuration of the BWC's capabilities will be set for no pre-event and no post-event recording.

E. BODY WORN CAMERA PROCEDURES

The participant shall activate their BWC, if practical and without compromising the safety of the participant or others, prior to engaging in law enforcement activity with the public. The participant may, at his or her discretion, inform a member of the public that the BWC has been activated

1. The following situations, which are not an exhaustive list of every incident in which a BWC can be used, are classified as law enforcement activities, and should be recorded:

   Traffic stops, DUI investigations, priority responses, vehicle and foot pursuits, suspicious subjects/vehicles/incidents, investigatory detentions, arrests, vehicle searches, disturbances, field investigations, verbal or physical confrontations, crimes in progress, response to resistance, Miranda warnings, victim/witness or suspect statements, prisoner/Baker Act transports, all duty-related transports of non-City personnel regardless of purpose, or any other situation the participant, through training and experience, believes should be recorded, provided that the party being recorded does not have a reasonable expectation of privacy.

2. Participants using a BWC during an interview, interrogation, statement, confession and/or utterance shall:

   a. Document the existence of a BWC recorded statement on all related reports or citations.

   b. Properly record Miranda warnings when given.

   c. Attempt to secure signed consent and/or waiver forms.

   d. Document all consents, waivers and/or refusals on camera and in writing.

   e. Supplement the BWC with a traditional digital audio recording device when feasible.

3. Once the BWC is activated to record an interaction, it shall remain on until the event has ended. If it becomes necessary to turn off the BWC prior to the conclusion of a recorded incident the participant will verbally record the reason prior to the deactivation if it is safe and practical to do so.

4. When participants are interacting with victims, witnesses and others from the community who request not to be recorded, participants shall:

   a. Use discretion in balancing the value of obtaining a recording with the victim's, witness' or community member's reluctance to provide information while being recorded.

   b. If the suspect of a crime is present, the participant shall not turn off the BWC.

   c. If the participant decides to deactivate the BWC at the request of a victim, witness or community member, the participant shall verbally record the reason prior to the deactivation. Additionally, the participant should attempt to record the victim's/witness'/community member's refusal to being recorded.

5. Participants are not expected to record casual interactions with the public, such as exchanging pleasantries, providing directions, or while attending community meetings. Additionally, participants are not required to activate their BWC during non-law enforcement activities such as breaks, directing traffic, crime scene processing, remaining on an accident scene waiting for a tow truck, etc. Participants are allowed to turn off ("power down") the BWC when entering a restroom or locker room.

6. Participants who inadvertently fail to activate their BWC at the onset of an incident that requires recording shall activate the BWC as soon as it is practical and safe to do so. If a participant inadvertently fails to activate, interrupts or deactivates their BWC during any portion of a situation that requires recording, the participant shall notify their supervisor as soon as possible. The reason for inadvertently failing to record a required incident shall be documented via an email to their supervisor and the MVSA. In cases which require a police report, the participant shall document in the report the reason they inadvertently failed to record the entire incident.

7. Participants providing assistance to, or receiving assistance from, an outside agency shall, if practical and without compromising the safety of the participant or others, notify such officer(s) that the incident is being recorded via a BWC.

8. Participants will ensure their BWC data is uploaded before the end of their shift, or prior to the device reaching maximum storage capacity. Participants shall ensure that all captured videos are labeled with the proper retention category and, when applicable, the properly formatted agency case number (for example, 34-1234-

567890).

9. The following are prohibited actions:

   a. The BWC will not be used to record personal activity.

   b. The BWC will not be intentionally activated to record conversations of fellow employees without their knowledge during routine non-enforcement activities.

   c. Except in the course of an active criminal investigation, the BWC will not be activated in places where a reasonable expectation of privacy exists.

   d. Participants will not make copies of any BWC recordings for personal use.

   e. Participants shall not erase, alter or tamper with any BWC recording.

   f. No BWC recordings shall be posted on any social media site without prior approval from the Chief of Police or designee and the City Manager or designee.

   g. Participants assigned a BWC will not allow members of the public to review the recordings unless supervisory approval is obtained from a lieutenant or higher.

   h. Participants are prohibited from using any BWC that is not assigned to them.

   i. Participants shall not intentionally obstruct the lens or microphone, or otherwise compromise the functionality of their BWC.

   j. Supervisors shall not review recordings without cause or for the sole purpose of searching for violations of Departmental policy not related to a specific complaint or incident.

10. Participants shall promptly notify their immediate supervisor of any prohibited footage inadvertently captured by their BWC.

11. BWC equipment may be included during inspections to confirm that it is in proper working order.

12. Participants will ensure that BWC recordings are properly categorized and preserved as required by this policy.

13. Participants equipped with BWC may encounter situations where critical incidents or special circumstances are captured on video. These situations require an immediate response from investigative units and include, but are not limited to, the following:

a. Officer-involved shootings.

b. Officer use of force resulting in serious injury.

c. Officer-involved traffic crashes with fatalities or life threatening injuries.

d. Serious injury or death of an officer in the line of duty.

During these circumstances participants equipped with a BWC that captured the incident shall notify a supervisor as soon as possible. The BWC shall remain affixed to the participant in the same position it was worn throughout the event and shall not be removed unless necessary to render emergency medical attention. The lead investigator will retrieve the BWC device from the participant and process it according to the investigating agency's standards for the handling of evidence. In addition, the lead investigator or designee will coordinate the response of the MVSA or designee who will be responsible for the recovery and storage of all evidence captured by the BWC.

14. Participants will note in any related offense/arrest/incident reports that the incident was recorded via a BWC.

15. BWC~~s~~ Pilot Program Participants and non-pilot program employees involved in a recorded incident shall have the option to review recordings of an incident captured by a BWC when preparing written reports, supplements or providing statements regarding any event arising within the scope of their official duties. However, if BWC recording(s) is reviewed prior to authoring a report or supplement the following statement will be added to the report/supplement:

"The content of this document is based on information obtained during the course of my investigation, my observations of the incident and a review of the recording captured by a body worn camera system."

Nothing contained in this section shall apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.

F. RETENTION AND DISSEMINATION

1. All video recordings collected using a BWC system are official records and the exclusive property of the City of Fort Lauderdale.

2. BWC recordings shall be maintained in accordance with Section 119.071(2)(1)5 of Florida Statutes and the State of Florida General Records Retention Schedules.

3. A participant's request to delete recordings of a personal nature must be submitted in writing to the MVSA and approved by the Chief of Police or designee, after consultation with the City Attorney or designee. All applicable records retention laws shall be taken into account before a decision is reached regarding the deletion of a BWC recording. All requests and final decisions shall be kept on file.

4. Digital media collected by a body worn camera system may be a public record as defined by Florida Statutes and Federal Laws. As such, the applicable Florida Statutes and Federal Laws will govern the handling of all public records request.

5. All BWC recordings shall be uploaded to the contracted vendors cloud server. The Department reserves the option to utilize alternative storage methods on a case-by- case basis at the discretion of the Chief of Police or designee.

6. The Chief of Police or designee, after consultation with the City Manager or designee, may authorize the release of specific BWC footage, when it is deemed to be in the best interest of the Department, except for content that Florida Statutes and/or Federal Laws defines as confidential and exempt from disclosure.

G. MOBILE VIDEO SYSTEM ADMINISTRATOR (MVSA)

1. The MVSA is responsible for the BWC systems' overall maintenance, management, and retention, and acts as the technology liaison to the Forensics Unit and associated vendors. The MVSA also has the following duties:

   a. Configuration of the evidence storage system under direction of the Chief of Police or designee.

   b. Managing BWC inventory, issuing devices, training and updating device settings.

   c. Assisting with manual uploads to the external cloud server.

   d. Managing recordings to include restricted/prohibited footage pursuant to direction from the Chief of Police. Notify the Chief of Police when video evidence software logs indicate deleted, copied and/or edited recordings

   e. Managing the list of retention categories and notify supervisors when users fail to categorize their BWC recordings or otherwise fail to properly use, store or maintain their issued BWC.

   f. Providing support to Department employees in all aspects of the BWC system.

   g. Maintenance of an audit system that monitors and logs access to recorded data.

h. Maintenance of a system for the management of video retention and video purging.

i. Conducting forensic reviews when directed by the Chief of Police or designee to determine whether BWC equipment and/or recorded data have been tampered with.

j. Continuously monitoring this pilot initiative with a documented analysis to identify necessary modifications and/or continuations. The documented analysis shall be forwarded to the Chief of Police via the Chain of Command for the purposes of evaluating the effectiveness of using the BWCs.

k. Perform a periodic review of actual BWC practices, including but not limited to recorded media, to ensure conformity with the agency's policies and procedures, in accordance with § 943.1718, Florida Statutes.

H. TRAINING

1. Pilot Program participant shall only be issued BWCs after they have received agency approved training. The MVSA will ensure all BWC training meets current laws, manufacturer guidelines and specifications, as well as Department policy. Initial training shall include:

a. A thorough review of this policy, relevant state and federal laws governing consent, rules of evidence, privacy and public disclosure.

b. Hardware operation, charging, docking, malfunctions, lost or damaged equipment.

c. Categorization, video transfer procedures, video access, security, retention guidelines, reporting improper recordings, and presenting digital evidence in court.

d. Hands-on exercises that replicate operating the BWC.